

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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## PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year) **29 MAY 2009**

Applicant's or agent's file reference

0057-029P1PCT

### IMPORTANT NOTIFICATION

International application No.

PCT/US08/05335

International filing date (day/month/year)

25 April 2008 (25.04.2008)

Priority date (day/month/year)

27 April 2007 (27.04.2007)

Applicant

VNS PORTFOLIO LLC ET AL

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/ US  
Commissioner for Patents  
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Kenneth S. KIM

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Form PCT/IPEA/416 (July 1992)

Received

JUN 02 2009

Henneman & Associates PLC

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0057-029P1PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US08/05335	International filing date (day/month/year) 25 April 2008 (25.04.2008)	Priority date (day/month/year) 27 April 2007 (27.04.2007)
International Patent Classification (IPC) or national classification and IPC IPC: G06F 15/167( 2006.01) G06F 9/312( 2006.01) USPC: 345/506;709/213;712/10,16,18,19		
Applicant VNS PORTFOLIO LLC ET AL		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>   </u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input checked="" type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 27 February 2009 (27.02.2009)	Date of completion of this report 07 May 2009 (07.05.2009)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Kenneth S. KIM Telephone No. (571)272-2100	

Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US08/05335

## I. Basis of the report

1. With regard to the **elements** of the international application:\*

- ☐ the international application as originally filed.
- ☒ the description:  
pages 1-21 as originally filed  
pages none filed with the demand  
pages none filed with the letter of 27 February 2009 (27.02.2009)
- ☒ the claims:  
pages 22-24 as originally filed  
pages none as amended (together with any statement) under Article 19  
pages none filed with the demand  
pages none filed with the letter of 27 February 2009 (27.02.2009)
- ☒ the drawings:  
pages 1-9 as originally filed  
pages none filed with the demand  
pages none filed with the letter of 27 February 2009 (27.02.2009)
- ☐ the sequence listing part of the description:  
pages NONE as originally filed  
pages NONE filed with the demand  
pages NONE filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets/~~fig~~ none

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US08/05335**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-7, 11-17, 19, 20</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-7, 11-17, 19, and 20 lack novelty under PCT Article 33(2) as being anticipated by Mehta (U.S. Patent No. 7,162,573).

Mehta teaches the invention as claimed in claim 1 including a method for a series of computers to process data, wherein the series of computers includes a first computer and a last computer, and wherein each of the computers except the first computer is preceded by a prior computer and each of the computers except the last computer is followed by a subsequent computer, the process comprising:

in each of the computers viewed as a current computer:

- (a) reading new data with the current computer (col. 21, line 62),
- (b) after said (a), writing old data with the current computer; (col. 19, line 60)
- (c) after said (b), processing said new data in said current computer to produce said old data (conventional data processing),
- (d) after said (c), if the current computer is not the last computer, holding said old data in the current computer (for later use), and further teaches as in claims 2-7 11, and 12,
- (e) communicating data in multiple connected computer network (figs. 1 and 2) - claims 2-4,
- (f) settable bits in a register for data-path selection (col. 6, line 45; col. 8, line 46; col. 19, line 48) - claims 5-7.
- (f) execute an instruction for asynchronous read, write, and processing (col. 10, lines 8-17).

The apparatus claims 13-17 are equivalently rejected based on the same reason.

Processed result can be written before reading next input data or anytime after reading. When the result is written after the reading and the read data is processed, "read", "write", and "process" cycles repeats.

Claims 8-10 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Mehta (U.S. Patent No. 7,162,573).

Mehta teaches the invention substantially as claimed; however, does not expressly state that data are stored in a stack or multiple instruction words are executed.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made that stacks are used to push and pop data for enhanced processing speed and multiple instruction words are executed for parallel processing, and the person would have been motivated to use a stack or execute multiple instruction words to enhance speed of processing.

----- NEW CITATIONS -----

US 7,162,573 B2 (MEHTA) 09 January 2007, see col. 10, lines 8-17.

US 4,789,927 (HANNAH) 06 December 1988, see col. 8, lines 2-14.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US08/05335

## VI. Certain documents cited

## 1. Certain published documents (Rule 70.10)

Application No  
Patent No.  
US 2007/0192504

Publication Date  
(day/month/year)  
16 August 2007 (16.08.2007)

Filing Date  
(day/month/year)  
16 February 2006 (16.02.2006)

Priority date (valid claim)  
(day/month/year)  
None

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)

Date of written disclosure referring to  
non-written disclosure  
(day/month/year)

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/US08/05335

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1-20 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 1-20 are indefinite for the following reason(s):

- (a) Claim 1, it is not clear where the data are read from and written to.
- (b) Claim 1, it is not clear what is written after first data is read and not processed yet in the "read", "write", and "process" cycle. It appears that the write is postponed until after reading next input data.
- (c) Claim 13, the same as (b), and it is not clear what the data-paths are connected to.